

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**BRADLEY ALVERSON, CASEY  
HOWIE, and KELSEY DUNNING,  
Individually and On Behalf of  
All Others Similarly Situated,**

**Plaintiffs,**

**V.**

**BL RESTAURANT OPERATIONS LLC  
D/B/A BAR LOUIE,**

**Defendant.**

**CIVIL ACTION NO. 5:16-cv-00849-OLG-  
RBF**

**JURY TRIAL DEMANDED**

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**JOINT MOTION TO APPROVE CONFIDENTIAL SETTLEMENT**

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The Parties file this joint motion to approve their confidential settlement agreement (the “Agreement”) and to dismiss this case with prejudice.

**I.**

On August 26, 2016, Plaintiffs filed this lawsuit against BL Restaurant Operations LLC claiming violations of the Fair Labor Standards Act (FLSA) (ECF No. 1). Since then, Plaintiffs have amended their Complaint twice to bring claims under the NYLL and PMWA. On February 26, 2018, the Court conditionally certified the case as a FLSA collective action (ECF No. 58). On March 12, 2018, the Court authorized the issuance of notice to the putative Class Members (ECF No. 59).

To facilitate mediation, the Parties exchanged written discovery including payroll information for the Class Members. On January 22, 2019, the Parties mediated their dispute with Michael E. Dickstein from Dickstein Dispute Resolution. The Parties resolved the case at

mediation. Pursuant to the Agreement, each Plaintiff is entitled to receive his prorated share of the settlement funds that he claimed or could have claimed by way of this lawsuit.

## **II.**

The terms of the settlement are confidential. Plaintiffs have approved the settlement and have signed the Agreement. Similarly, Defendant has approved and signed the Agreement. The Agreement has been filed under seal for the Court's review.

All Parties are in agreement as to the apportionment and distribution of the settlement funds. The settlement is in the best interest of all parties. Moreover, there is substantial risk the Plaintiffs may be unsuccessful on the merits if this compromise settlement is not approved.

## **III.**

The Agreement was negotiated at arm's length and represents the resolution of a bona fide wage dispute. All Parties were represented by counsel with years of experience handling these types of unpaid wage cases. The Parties represent to the Court that the terms of the settlement are fair, reasonable, were negotiated at arms-length, and are in the best interests of the Plaintiffs and Defendant as well. While the terms of the settlement are confidential, each of the Plaintiffs is entitled to receive a reasonable and fair pro rata share of the damages claimed. By entering into this settlement, the Defendant has not conceded liability and continues to assert its position that it lawfully paid the Plaintiffs and Class Members.

In light of the Parties' settlement, they now respectfully request that the Court enter the accompanying order approving the settlement and dismissing this case with prejudice to refiling, and with each party bearing their own costs.

**JOINTLY SUBMITTED BY:**

SHELLIST | LAZARZ | SLOBIN LLP

By: /s/ Mark G. Lazarz

Mark G. Lazarz

Texas Bar No. 12069100

mlazarz@eeoc.net

Ricardo J. Prieto

Texas Bar No. 24062947

rprieto@eeoc.net

11 Greenway Plaza, Suite 1515

Houston, Texas 77046

Telephone: (713) 621-2277

Facsimile: (713) 621-0993

FITAPELLI & SCHAFFER, LLP

Joseph A. Fitapelli, admitted *pro hac vice*

jfitapelli@fslawfirm.com

Frank J. Mazzaferro, admitted *pro hac vice*

fmazzaferro@fslawfirm.com

28 Liberty Street, 30th Floor

New York, New York 10005

Telephone: (212) 300-0375

Facsimile: (212) 481-1333

ATTORNEYS FOR PLAINTIFFS

&

By: /s/ Jonathan C. Wilson

Jonathan C. Wilson, Esq.

Texas Bar No. 21702525

jonathan.wilson@ogletree.com

James T. McBride, Esq.

Texas Bar No. 24098061

james.mcbride@ogletreedeakins.com

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

8117 Preston Rd., Suite 500

Dallas, TX 75225

ATTORNEY-IN-CHARGE FOR DEFENDANT

BL RESTAURANT OPERATIONS LLC D/B/A BAR LOUIE

William R. Stukenberg  
Texas Bar No. 24051397  
JACKSON LEWIS P.C.  
1415 Louisiana, Suite 3325  
Houston, Texas 77002-7332  
Telephone: (713) 650-0404  
Facsimile: (713) 650-0405  
william.stukenberg@jacksonlewis.com

Pamela B. Linberg  
Texas Bar No. 00793299  
JACKSON LEWIS P.C.  
Wedge International Tower  
1415 Louisiana, Suite 3325  
Houston, Texas 77002  
Telephone: (713) 650-0404  
Facsimile: (713) 650-0405  
Email: linbergp@jacksonlewis.com

James F. Botana  
Jeffrey L. Rudd  
JACKSON LEWIS P.C.  
150 N. Michigan Ave., Suite 2500  
Chicago, Illinois 60601  
Telephone: (312) 787-4949  
Facsimile: (312) 787-4995  
botanaj@jacksonlewis.com  
jeffrey.rudd@jacksonlewis.com

Brendan Sweeney  
State Bar of New York No. 4016028  
Noel P. Tripp  
State Bar of New York No. 4541330  
JACKSON LEWIS P.C.  
58 South Service Road, Suite 250  
Melville, NY 11747  
Telephone: (631) 247-0404  
Facsimile: (631) 247-0417  
Brendan.Sweeney@jacksonlewis.com

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on March 15, 2019, a true and correct copy of the foregoing document was electronically filed. Notice of this filing will be served on all parties by operation of the Court's Electronic Filing System.

/s/ Ricardo J. Prieto

Ricardo J. Prieto